

REMARKS

Status of the Claims

Claims 1-10, 14, 15, 22-31 and 34 are pending in the application. Claims 11-13, 16-21, and 32-33 remain cancelled without prejudice or disclaimer.

Claim Rejections Pursuant to Provisional Obviousness-Type Double Patenting

Claims 1-10, 14-15, 22-31, and 34 stand provisionally rejected under the judicially-created doctrine of obviousness-type double patenting over U.S. Patent Application Serial No. 09/717,645 in view of U.S. Patent 5,649,200 to Leblang et al. As stated in the Office Action Response dated June 17, 2004, applicants respectfully defer their response to the merits of the provisional rejection until the allegedly conflicting claims in one of the subject cases are allowed.

Claim Rejections Pursuant to 35 U.S.C. §101

The examiner has rejected claim 14 under 35 U.S.C. §101 as being directed to non-statutory subject matter for failing to produce a useful, concrete and tangible result. The applicants respectfully traverse this rejection.

Claim 14 is directed to a computer-readable medium having a data structure stored thereon, and describes the fields of the data structure. A data structure on a computer-readable medium is a permissible form of patentable subject matter under *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994) if the claim represents functional descriptive material that, as recorded on the computer medium, becomes structurally and functionally related to the medium and the function of the descriptive material becomes realized through the use of technology. 32 F.3d at 1583-84, 32 USPQ2d at 1035. See also MPEP § 2106 IV.B.1.(a).

The claim does meet the practical application test, because the data transformation provides “real world benefit”, e.g. association of project management objects such as data related to software defects, tasks, development milestones, and any other issues which may be related to a real-world project. See, *inter alia*, the specification at page 9, lines 14-20.

Thus, applicants respectfully submit that claim 14 does indeed meet the “practical

application test” discussed by the examiner, and applicants respectfully submit that claim 14 does indeed represent statutory subject matter under section 101. Accordingly, applicants respectfully request reconsideration and withdrawal of the § 101 rejection.

Claim Rejections Pursuant to 35 U.S.C. §103

Claims 1, 3-6, 8-10, 14, 22, 24-27, 29-31, and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,649,200 to Leblang et al. in view of U.S. Patent 5,890,166 to Eisenberg et al.

Claims 2, 7, 15, 23, and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,649,200 to Leblang et al. and U.S. Patent 5,890,166 to Eisenberg et al. in view of U.S. Patent 5,862,325 to Reed et al.

Applicants respectfully traverse the §102(e) and §103(a) rejections as in the July 17, 2004, October 14, 2004, and March 14, 2005 remarks with the following additional arguments:

The examiner again analogizes both the “link set data structure” and the “object reference field” of claim 1 to Leblang’s link 530. Claim1 reads:

A computerized method for adding an association of a project management object to a set of associated project management objects, wherein a link set data structure corresponds to the set of associated project management objects, the method comprising:

creating a link content data structure comprising a link set reference field, an object reference field, and a start time field;

adding an association of the project management object to said set of associated project management objects by setting said link set reference field in said link content data structure to a value that refers to said link set data structure corresponding to the set of associated project management objects;

setting said object reference field in said link content data structure to refer to the project management object; and

setting said start time field in the link content data structure to a value representing the current time.

Applicants disagree with the examiner's contention that "there is no significant difference between what a link set data structure does (corresponding to a set of [project management objects]) and what a object reference field does (set to refer to a [project management object]) , considering the fact that corresponding to a set of [project management objects] inherently encompasses the concept of being set to point to any one element of such [project management object] set." (Office action, page 12.)

In the claim, a link set data structure corresponds to a set of already-associated project management objects ("*wherein a link set data structure corresponds to the set of associated project management objects*"). The link content data structure created ("*creating a link content data structure*") and a link set reference field in that link content data structure is set to refer to the link set data structure ("*setting said link set reference field in said link content data structure to a value that refers to said link set data structure corresponding to the set of associated project management objects*"). The link content data structure also contains an object reference field, which is set to refer to the project management object which is being newly-associated ("*setting said object reference field in said link content data structure to refer to the project management object*").

The applicants do not agree with the correspondence found by the examiner ("it is understood that each time that there is a correspondence, from (ii) a field entry in this LCDS is set to refer to (i.e. a pointing data structure being instantiated) a LSDS corresponding to the set of PMO"; Office action, page 12). The correspondence is not claimed, and there may be no such correspondence, for example, if the new association of the new project management object with the existing associated project management objects is handled in a different way than the existing associations. Thus, no such change in the link set data structure needs to happen for the association to be made. Indeed, the claim does not indicate any change in the link set data structure.

Even if all associations are equivalent, where each project management object has an associated link content data structure, each project management object's link content data structure would have a link set reference field corresponding to the same link set data structure. This is all the information necessary to have an association – if each link content data structure points to the same link set data structure, the link set data structure does not need to point back to the link content data structure or the project management objects.

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37 CFR § 1.116**

There can be no inference drawn from the claim that there are any pointing data structures in the link set data structure which point to the project management object.

Thus, applicants respectfully disagree with the examiner's contention that a field entry in the link set data structure must be changed to point to the newly-associated project management object, and with the equating of the "link set data structure" and the "object reference field." These are two separate elements and can not both be taught by Leblang's link 530.

Additionally, the link content data structure as described in the claims is incompatible with Leblang's wildcard configuration. Thus, as previously discussed, Leblang teaches away from the link content data structure of the invention.

Conclusion

In view of the above remarks, Applicants request reconsideration of the present Application and also submit that the present Application is in a condition for allowance. Applicants respectfully and earnestly solicit an early Notice of Allowance for all pending claims.

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